Appl. No. 09/940955
Amdt dated 12/12/2003
Reply to Office action of July 16, 2003

REMARKS

Applicants acknowledge the withdrawal of claims 1-20 and 24-26 from consideration. The remaining claims 21-23 are rejected under 35 USC 103(a) over Lyle et al. (5,956,023). The elected claims pending in the case are directed to the aspect of problem detection or correction. Under the claims as amended, the apheresis system is prompted by the operator to the presence of a problem condition. The operator interface then displays a plurality of conditions, each condition having at least one remedial action, and the operator then selects the condition and associated remedial action. Thus, in the presence of an abnormal condition observed by the operator, the operator is quickly presented with a range of options from which to select the appropriate response.

Lyle et al. ('023) limits and constrains the selection as explained beginning in column 15, line 11 "C. Abnormal Operational Conditions". In Lyle, the condition manager, a part of the apheresis system, identifies abnormal functional or operational states (col. 15, lines 32-38). The device then a warning or alarm status for which a single course of response is specified. Only the specified condition may be dealt with at a single time. As the '023 patent states: ". . . The alarm/note fields 88 and 92 relate only to a single alarm or note condition at the same time. There are never multiple displays of these fields at a given time, even when multiple Create_Alarm#_Display and/or Create_Note#Display commands are received." (Col. 17, lines 59-63) Multiple alarms are stacked and are handled on a first-in, first-out basis.

Although Lyle ('023) allows programming flexibility with respect to ordinary operation of the apheresis system, it is very specific as to abnormal operational conditions. When the operator detects an abnormal condition, Lyle makes no provision for the display of multiple potential abnormal conditions or problems from which the

Appl. No. 09/940955
Amdt dated 12/12/2003
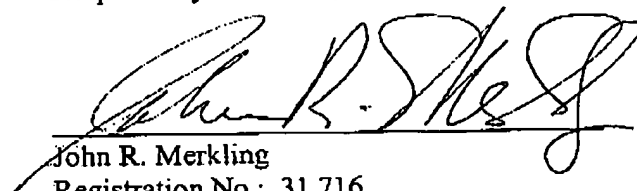Reply to Office action of July 16, 2003

operator can then rapidly select. When the system detects an abnormal condition or operation, Lyle ('023) constrains the response both in type of response and in temporal ordering of the response.

It is respectfully submitted that applicants have disclosed and claimed a different and more flexible response to operator detected abnormal operational conditions in apheresis systems. To derive applicants' invention from Lyle ('023), one would have to ignore the teaching of Lyle ('023) that abnormal conditions are to be addressed in a strictly hierarchical manner.

Applicants respectfully submit that amended claims 21-23 and new claim 27 distinguish over Lyle ('023). The examiner's reconsideration of the claims is respectfully solicited.

Respectfully submitted,

12-12-2003
Date

John R. Merkling
Registration No.: 31,716
Gambro, Inc.
10810 W. Collins Avenue
Lakewood, CO 8015
(303) 238-2362